

REFERENCE TITLE: **early ballots; voter identification**

State of Arizona
Senate
Forty-seventh Legislature
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2006

SB 1474

Introduced by
Senators Martin: Bee, Blendu, Brotherton, Gould

AN ACT

AMENDING SECTIONS 16-548 AND 16-552, ARIZONA REVISED STATUTES; RELATING TO
EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-548, Arizona Revised Statutes, is amended to
3 read:

4 16-548. Preparation and transmission of ballot

5 A. The early voter shall make and sign the affidavit and shall then
6 mark his ballot in such a manner that his vote cannot be seen. The early
7 voter shall fold the ballot, if a paper ballot, so as to conceal the vote and
8 deposit the voted ballot in the envelope provided for that purpose. ~~, which~~
9 THE EARLY VOTER SHALL ALSO INCLUDE IN THE ENVELOPE A LEGIBLE PHOTOCOPY OF
10 IDENTIFICATION THAT COMPLIES WITH SECTION 16-579. THE ENVELOPE shall be
11 securely sealed and, together with the affidavit AND PHOTOCOPIES OF
12 IDENTIFICATION, delivered or mailed to the county recorder or other officer
13 in charge of elections of the political subdivision in which the elector is
14 registered or deposited by the voter or the voter's agent at any polling
15 place in the county. In order to be counted and valid, the ballot must be
16 received by the county recorder or other officer in charge of elections or
17 deposited at any polling place in the county no later than 7:00 p.m. on
18 election day.

19 B. If the early voter is an overseas citizen, a qualified elector
20 absent from the United States or in the United States service, a spouse or
21 dependent residing with the early voter or a qualified elector of a special
22 district mail ballot election as provided in article 8.1 of this chapter, the
23 early voter may subscribe to the affidavit before and obtain the signature
24 and military identification number or passport number, if available, of any
25 person who is a United States citizen eighteen years of age or older.

26 Sec. 2. Section 16-552, Arizona Revised Statutes, is amended to read:
27 16-552. Early ballots: processing: challenges

28 A. In a jurisdiction that uses punch card ballots, the early election
29 board, immediately upon receipt of the early ballots, ~~shall~~, as provided by
30 this section, SHALL cast separately for each precinct the early ballots which
31 have been received. In a jurisdiction that uses optical scan ballots, the
32 officer in charge of elections may use the procedure prescribed by this
33 section or may request approval from the secretary of state for a different
34 method for processing early ballots. The request shall be made in writing at
35 least ninety days before the election for which the procedure is intended to
36 be used. After the election official has confirmed with the secretary of
37 state that all election equipment passes the logic and accuracy test, the
38 election official may begin to count early ballots. No early ballot results
39 may be released except as prescribed by section 16-551.

40 B. The early election board shall check the voter's affidavit on the
41 envelope containing the early ballot AND SHALL CHECK THE FORMS OF
42 IDENTIFICATION SUBMITTED BY THE VOTER. If ~~it is~~ THE AFFIDAVIT AND
43 IDENTIFICATION ARE found to be sufficient, the vote shall be allowed. If the
44 affidavit ~~is~~ AND IDENTIFICATION ARE insufficient, the vote shall not be
45 allowed.

1 C. The county chairman of each political party represented on the
2 ballot ~~may~~, by written appointment addressed to the early election board, ~~MAY~~
3 designate party representatives and alternates to act as early ballot
4 challengers for the party. No party may have more than the number of such
5 representatives or alternates which were mutually agreed upon by each
6 political party to be present at one time. If such agreement cannot be
7 reached, the number of representatives shall be limited to one for each
8 political party.

9 D. An early ballot may be challenged on any grounds set forth in
10 section 16-591. All challenges shall be made in writing with a brief
11 statement of the grounds prior to the early ballot being placed in the ballot
12 box. A record of all challenges and resulting proceedings shall be kept in
13 substantially the same manner as provided in section 16-594. If an early
14 ballot is challenged, it shall be set aside and retained in the possession of
15 the early election board or other officer in charge of early ballot
16 processing until a time that the early election board sets for determination
17 of the challenge, subject to the procedure in subsection E of this section,
18 at which time the early election board shall hear the grounds for the
19 challenge and shall decide what disposition shall be made of the early ballot
20 by majority vote. If the early ballot is not allowed, it shall be handled
21 pursuant to subsection G of this section.

22 E. Within twenty-four hours of receipt of a challenge, the early
23 election board or other officer in charge of early ballot processing shall
24 mail, by first class mail, a notice of the challenge including a copy of the
25 written challenge, and also including the time and place at which the voter
26 may appear to defend the challenge, to the voter at the mailing address shown
27 on the request for an early ballot or, if none was provided, to the mailing
28 address shown on the registration rolls. Notice shall also be mailed to the
29 challenger at the address listed on the written challenge and provided to the
30 county chairman of each political party represented on the ballot. The board
31 shall meet to determine the challenge at the time specified by the notice
32 but, in any event, not earlier than ninety-six hours after the notice is
33 mailed, or forty-eight hours if the notifying party chooses to deliver the
34 notice by overnight or hand delivery, and not later than 5:00 p.m. on the
35 Monday following the election. The board shall provide the voter with an
36 informal opportunity to make, or to submit, brief statements regarding the
37 challenge. The board may decline to permit comments, either in person or in
38 writing, by anyone other than the voter, the challenger and the party
39 representatives. The burden of proof is on the challenger to show why the
40 voter should not be permitted to vote. The fact that the voter fails to
41 appear shall not be deemed to be an admission of the validity of the
42 challenge. The early election board or other officer in charge of early
43 ballot processing is not required to provide the notices described in this
44 subsection if the written challenge fails to set forth at least one of the
45 grounds listed in section 16-591 as a basis for the challenge. In that

1 event, the challenge will be summarily rejected at the meeting of the board.
2 Except for election contests pursuant to section 16-672, the board's decision
3 is final and may not be appealed.

4 F. If the vote is allowed, the board shall open the envelope
5 containing the ballot in such a manner that the affidavit thereon is not
6 destroyed, take out the ballot without unfolding it or permitting it to be
7 opened or examined and show by the records of the election that the elector
8 has voted.

9 G. If the vote is not allowed, the affidavit envelope containing the
10 early ballot shall not be opened and the board shall mark across the face of
11 such envelope the grounds for rejection. The affidavit envelope and its
12 contents shall then be deposited with the opened affidavit envelopes and
13 shall be preserved with official returns. If the voter does not enter an
14 appearance, the board shall send the voter a notice stating whether the early
15 ballot was disallowed and, if disallowed, providing the grounds for the
16 determination. The notice shall be mailed by first class mail to the voter's
17 mailing address as shown on the registration rolls within three days after
18 the board's determination.

19 H. Party representatives and alternates may be appointed as provided
20 in subsection C of this section to be present and to challenge the
21 verification of questioned ballots pursuant to section 16-584 on any grounds
22 permitted by this section. Questioned ballots which are challenged shall be
23 presented to the early election board for decision under the provisions of
24 this section.